

**REMARKS**

In response to the January 3, 2007 Final Official Action the Applicant hereby makes the above noted amendments and the below remarks, which it believes places the Claims in condition for allowance. Claims 1 and 4 have been amended and Claim 2 has been cancelled. Claims 3 and 6 remain unchanged from the previous any previous amendments.

**35 USC §103**

Claim 1 is rejected under 35 USC 103(a) as being unpatentable over US Patent 6164967 (Sale) in view of US Patent 5906213 (Diffendal). Applicant appreciates the teachings of Sale and Diffendal, however, these references do not teach each and every element of the claimed invention.

Sale teaches the delivery of fluid to a powered toothbrush that utilizes a removable disposable neck assembly that contains a fluid reservoir. In accordance with the teachings of Sale, fluid is distributed around the periphery of the brush. The only other embodiment disclosed and taught by Sale is the use of a tongue scraper which has multiple outlets in an edge of the scraper (Fig 6c and 6d of Sale). Sale lacks any teachings or motivation of the use of a flosser. However, the Patent Office states the Diffendal teaches the use of a flosser having a piece of flossing material supported over a centrally positioned aperture. While the Patent Office is correct in that the Diffendal patent does teach flosser with fluid discharge, the combination does not teach each and every element of the present invention. Diffendal specifically discloses a flosser, which includes a pair of arms having one of which connected to the dental cleaning tool and having another end 28 extending out over the aperture 68. The flossing material 5 runs from inside the cleaning tool 6, out the aperture 68 and connected to the extending arm 28. Fluid expelling from the aperture 68 flows in a substantially parallel direction to the flossing material. However, both Sale and Diffendal fail to teach Applicants' claimed invention.

Applicants' amended Claim 1 now includes the limitations of Claim 2. These limitations have already been fully searched and considered by the Examiner. However, Applicants' now put forth the following remarks. Applicants' amended Claim 1 includes the limitation that the flossing head has two

arms that branch out from a centered region. This centered region is secured to the neck/head assembly such that the piece of flossing material supported by the pair of arms is also suspended over the outlet aperture. Unlike Diffendal which structurally has the flossing material coming out of its outlet aperture. Claim 1 of Applicants' invention thus further defines that the pressurized liquid expelling from the outlet aperture will flow in a substantially perpendicular direction over the flossing material, rather than the teachings of Diffendal which has the liquid running substantially parallel to the flossing material. These structural limitations in Claim 1 of Applicants' invention are not taught or suggested by the prior art.


The Patent Office further explains that Sale and Diffendal can be combined with Dougan to teach all of the limitations outlined by Claim 1 and 2 of Applicants' invention (now amended Claim 1). However, while Sale and Diffendal disclose and teach the use of expelling fluid out of a oral cleaning device, Dougan only teaches a dental flossing device and does not mention, suggest, or teach expelling pressurized fluid contained in a handle out over flossing material in a substantially perpendicular direction. To impart such limitations on these prior art references is akin to Hindsight, as only Claim 1 of Applicants' invention discloses the structural elements necessary to accomplish this type of cleaning action.

Claims 4 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Diffendal in view of Dougan et al. Claim 4 has been amended to include structural elements that define the flossing material has been suspended by the ends of a pair of arms over an aperture in a substantially perpendicular direction to the aperture such that fluid expelling from the aperture flows perpendicularly over the flossing material. As explained above with reference to Claim 1, the cited prior art references do not structurally disclose the elements of Claim 4 and to impart such limitations on these prior art references is improper hindsight.

With the amendments and remarks made herein, a notice of allowance is respectfully requested.

If the Office has additional questions, please contact the undersigned at 312-521-2775.

Respectfully submitted,

By: \_\_\_\_\_

Adam K Sacharoff  
Reg. No. 43,075

Much Shelist  
191 N. Wacker Drive, Suite 1800  
Chicago, IL 60606